



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 12, 1998

Mr. William M. Toles
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
City Hall
Dallas, Texas 75201

OR98-1907

Dear Mr. Toles:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117454.

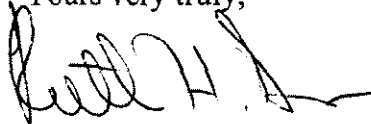
The City of Dallas (the "city") received a request for a copy of a police offense and arrest report. You assert that the records are protected from disclosure under section 552.108. We note that when a governmental body seeks a decision from this office concerning records that it seeks to withhold under an exception to disclosure, the governmental body must provide to this office (1) general written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, and (3) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. Gov't Code § 552.301(b). You did not, however, submit to this office a copy of the information requested or representative samples of such information.

In accordance with 552.303(c) of the Government Code, this office notified you by facsimile on July 1, 1998, that you had failed to submit the information required by required by section 552.301(b). We requested that you provide a copy, of either the specific information at issue or a representative sample of the information, to our office within seven days from the date of receipt of the notice. The notice further stated that, under section 552.303(e), failure to supply these documents would result in the legal presumption that the information at issue was presumed public. You did not provide our office with the information that was requested. Therefore, as provided by section 552.303(e), the information that is the subject of this request for information is presumed to be public information.

Information that is presumed public must be released unless a governmental body demonstrates a compelling interest to withhold the information to overcome this presumption. *See Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.--Austin 1990, no writ) (governmental body must make compelling demonstration to overcome presumption of openness pursuant to statutory predecessor to Gov't Code § 552.302); Open Records Decision No. 319 (1982). As you have not demonstrated that there is a compelling reason to withhold the records at issue, the records must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written over a horizontal line.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 117454

cc: Ms. Bridgette Wilson
3214 Persimmon, # 2018
Dallas, Texas 75241